

DISCUSSION OF THE AMENDMENT

Claim 24 has been canceled. Claims 1, 5-15, and 22-23 are now pending in the application.

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held April 29, 2008, in the above-identified application. During the interview, Applicants' attorney discussed with the Examiner further comparative data to an end of establishing patentability over the applied prior art. The discussion is summarized and expanded upon below.

The rejections under 35 U.S.C. 103(a) of :

Claims 1, 5-15 and 23-24 as unpatentable over US 4,663,377 (Hombach et al) in view of US 6,426,414 (Laas et al) and US 4,687,813 (Lenz et al), and further in view of Principles of Polymerization (Odian), and

Claims 1, 5, 6, 8-15 and 22-24 as unpatentable over Hombach et al in view of US 6,472,493 (Huynh-Ba) [Lenz et al]¹ and Odian,

are respectfully traversed.

In the Office Action, the Examiner dismisses the comparative experiment described in Declaration under 37 C.F.R. § 1.132 of named co-inventor Karl Haeberle filed February 1, 2008 (first Haeberle Declaration) because the same weight amount, and not the same molar amount, of the polyethylene oxide 500 (PEO 500) was used in the experiment based on Example 2, as modified. Accordingly, the newly-submitted second Haeberle Declaration presents the same comparative experiment again but preserves the same molar amount. The results this time were worse in that the coatings obtained were whitish turbid and not suitable for use as varnishes.

Thus, in addition to the arguments made in the amendment filed October 30, 2007, which arguments are hereby incorporated by reference, Applicants respectfully submit that

¹ That Lenz et al is not listed in the statement of the rejection is irrelevant; reliance thereon is all that is necessary. "Where a reference is relied on to support a rejection, whether or not in a 'minor capacity,' there would appear to be no excuse for not positively including the reference in the statement of rejection." *In re Hoch*, 166 USPQ 406, 407 n.3 (CCPA 1970). See also MPEP 706.02(j).

the newly-submitted second Haeberle Declaration successfully addresses any remaining issues of patentability herein. Accordingly, it is respectfully requested that the rejections be withdrawn.

The rejection of Claim 24 under 35 U.S.C. § 112, first paragraph, as failing to comply with the description requirement, is respectfully traversed. Indeed, the rejection is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that this rejection be withdrawn.

All of the present claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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